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EXAMINER

GLASS, RUSSELL S

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/038,933	<b>Applicant(s)</b> COELHO ET AL.	
	<b>Examiner</b> Russell S. Glass	<b>Art Unit</b> 3626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/5/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snowden et al., (U.S. Pub. 2002/0026332) in view of Intel Internet Authentication Services, Privacy and Security for Health Care Transactions Over the Internet, copyright©2000 Intel Corporation, and further in view of Schoenberg, (U.S. 6,463,417).**

2. As per claim 1, the collective system of Snowden and Intel discloses a method of controlling transfer of health information along a network pathway. Intel fails to disclose acquiring patient consent for transfer of medical records. Intel does disclose acquiring authorization for medical records. Controlling distribution of medical records based on patient consent is well-known in the art as evidenced by Snowden, (Snowden, passim). Intel further discloses the following method steps:

(a) receiving, by an access server on the network pathway, a request for the health information from across an internal network, the request being generated from a

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portable healthcare device on the network pathway, (Intel, p. 4, Fig. 1, col. 1, ¶ 2 and 3; p. 6, col. 2, ¶ 3) (An internal network is considered to be equivalent to a virtual private network since it performs an identical function in substantially the same way and produces substantially the same results) (A portable healthcare device is considered to be equivalent to a PDA since it performs an identical function in substantially the same way and produces substantially the same results);

(b) immediately determining, by the access server, if a corresponding authentication is stored in the access server, (Intel, p. 4, col. 1, ¶ 1, 2; p. 5, col. 2, ¶ 2 and 3); and

(c) if the corresponding authentication is stored, permitting, by the access server, the health information to be immediately acquired by sending the request across an external network to be obtained by a remote site, receiving the health information from the remote site, and forwarding the health information back across the internal network, (Intel, p. 5, col. 3, ¶ 2) (Remote site is considered to be equivalent to third party database since it performs an identical function in substantially the same way and produces substantially the same results).

The collective system of Snowden and Intel fails to explicitly disclose a method step immediately determining whether the consent satisfies the requirements for release of the health information, wherein the consent is for a requestor of the health information to access the health information, and the consent is provided by an owner of the health information. However, such a method step is well-known in the art as evidenced by Schoenberg, (Schoenberg, col. 3, lines 20-52; col. 4, lines 57-63; col. 5, lines 20-40)(disclosing stored consent in the form of patient-supplied security access

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codes for the purpose of consenting to access and allowing access to personal health records by an authorized requester. If the patient-supplied code entered by the requestor matches the stored code, then the requirements for release of the health information are satisfied).

It would be obvious to one of ordinary skill in the art to replace the authorization in Intel with the patient consent from Snowden. The motivation would be to provide a secure repository for personal medical records of individuals and families, (Snowden, Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add Schoenberg to the collective system of Snowden and Intel. The motivation would have been to allow a patient to precisely control who has access to different secured categories of stored patient medial information, (Schoenberg, col. 5, lines 20-40).

3. As per claim 2, Intel further discloses the forwarding of the health information is to the portable healthcare device, (Intel, p. 4, Fig. 1, col. 1, ¶ 2 and 3; p. 6, col. 2, ¶ 3).

The statements of obviousness and motivations to combine Snowden and Intel, and to add Schoenberg is as discussed in the rejection of claim 1 and incorporated herein by reference.

4. As per claim 3, Intel further discloses sending a notice to the portable healthcare device, (Intel, p. 5, col 2, ¶ 3) (sending a notice is considered to be equivalent to

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granting immediate access since it performs an identical function in substantially the same way and produces substantially the same results).

The statements of obviousness and motivations to combine Snowden and Intel, and to add Schoenberg is as discussed in the rejection of claim 1 and incorporated herein by reference.

5. As per claim 4, Intel further discloses receiving, by the access server, the appropriate consent from the portable healthcare device and permitting the health information to be immediately acquired by sending the request across an external network to a remote site, receiving the health information from the remote site, and forwarding the health information back across the internal network, (Intel, p. 5, col 2, ¶ 2- end of page).

The statements of obviousness and motivations to combine Snowden and Intel, and to add Schoenberg is as discussed in the rejection of claim 1 and incorporated herein by reference.

6. As per claim 5, Intel further discloses a method wherein the corresponding consent is fingerprint data, retinal data, voice data, or a digital signature data and further including comparing the corresponding consent with stored consent data, (Intel, p. 6, col. 2, ¶ 3).

The statements of obviousness and motivations to combine Snowden and Intel, and to add Schoenberg is as discussed in the rejection of claim 1 and incorporated herein by reference.

7. As per claim 6, Intel further discloses including determining if authentication is required prior to the determining if a corresponding authentication is stored, and if the authentication is not required, permitting the health information to be immediately acquired by sending the request across an external network to a remote site, receiving the health information from the remote site, and forwarding the health information back across the internal network, (Intel, p. 5, col. 2, ¶ 2 and col. 3, ¶ 2) (Determining if authentication is required is considered to be equivalent determining whether or not a user computer is enabled for streamlined access since it performs an identical function in substantially the same way and produces substantially the same results).

The statements of obviousness and motivations to combine Snowden and Intel, and to add Schoenberg is as discussed in the rejection of claim 1 and incorporated herein by reference.

8. As per claim 8, Intel further discloses including determining, by the access server, the suitability of a corresponding authentication, (Intel, p. 3, col. 1, ¶ 2 and 3) (Determining the suitability of a corresponding consent is considered to be equivalent to confirmed and relative authentication since it performs an identical function in substantially the same way and produces substantially the same results).

The statements of obviousness and motivations to combine Snowden and Intel, and to add Schoenberg is as discussed in the rejection of claim 1 and incorporated herein by reference.

9. As per claim 11, Intel discloses a health information access server, comprising:
- an internal network port to receive a request for health information from a portable healthcare device, the request issued by a user of the portable healthcare device, (Intel, p. 4, Fig. 1, col. 1, ¶ 2 and 3; p. 6, col. 2, ¶ 3) (An internal network is considered to be equivalent to a virtual private network since it performs an identical function in substantially the same way and produces substantially the same results) (A portable healthcare device is considered to be equivalent to a PDA since it performs an identical function in substantially the same way and produces substantially the same results);
  - an authentication database to store consents corresponding to health information, (Intel, p. 4, col. 1, ¶ 1, 2; p. 5, col. 2, ¶ 2, 3); and
  - a server interface to prepare the request for receipt by a next segment in the network pathway towards a remote site, and to prepare the health information sent in response from the remote site to be received by a next segment in the network pathway towards the user, (Intel, p. 4, col. 1, ¶ 1, 2; p. 5, col. 3, ¶ 2) (a server interface is considered to be equivalent to IAS since it performs an identical function in substantially the same way and produces substantially the same results).



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Intel fails to disclose controlling distribution of medical records based on patient consent. Controlling distribution of medical records based on patient consent is well-known in the art as evidenced by Snowden, (Snowden, passim).

The collective system of Snowden and Intel fails to explicitly disclose the following well-known method steps that are disclosed in Schoenberg as follows:

a search engine to determine if a corresponding authentication is stored in the database for requested health information, (Schoenberg, col. 5, lines 38-40); and

if the corresponding consent exists, that the consent satisfies the requirements for release of the health information, the consent is for a requestor of the health information to access the health information, and the consent is provided by an owner of the health information. However, such a method step is well-known in the art as evidenced by Schoenberg, (Schoenberg, col. 3, lines 20-52; col. 4, lines 57-63; col. 5, lines 20-40)(disclosing stored consent in the form of patient-supplied security access codes for the purpose of consenting to access and allowing access to personal health records by an authorized requester. If the patient-supplied code entered by the requestor matches the stored code, then the requirements for release of the health information are satisfied).

The statements of obviousness and motivations to combine Snowden and Intel, and to add Schoenberg is as discussed in the rejection of claim 1 and incorporated herein by reference.

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10. As per claim 12, Intel discloses an information access server, further including an authentication analysis unit to determine the suitability of a corresponding authentication, (Intel, p. 3, col. 1, ¶ 2 and 3) (a consent analysis unit is considered to be equivalent to IAS since it performs an identical function in substantially the same way and produces substantially the same results).

The statements of obviousness and motivations to combine Snowden and Intel, and to add Schoenberg is as discussed in the rejection of claim 1 and incorporated herein by reference.

11. As per claim 13, Intel discloses an information access server, further including a request identification unit to determine the appropriate remote site to receive the request, (Intel, p. 4, col. 1, ¶ 1, 2; p. 5, col. 3, ¶ 2) (a request identification unit is considered to be equivalent to IAS since it performs an identical function in substantially the same way and produces substantially the same results) (a request identification unit is considered to be equivalent to IAS since it performs an identical function in substantially the same way and produces substantially the same results).

The statements of obviousness and motivations to combine Snowden and Intel, and to add Schoenberg is as discussed in the rejection of claim 1 and incorporated herein by reference.

**12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snowden et al., (U.S. Pub. 2002/0026332) in view of Intel Internet Authentication**

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**Services, Privacy and Security for Health Care Transactions Over the Internet, copyright©2000 Intel Corporation and further in view the Background of the Invention, and further in view of Schoenberg, (U.S. 6,463,417).**

13. As per claim 7, the collective system of Snowden, Intel, and Schoenberg fails to disclose that the remote site could be a pharmacy benefits manager. However, a pharmacy benefit manager is well known in the art as evidenced by the Background of the Invention, (Background, ¶ 4).

The statement of obviousness and motivation to combine Snowden and Intel, and to add Schoenberg is as discussed in the rejection of claim 1 and incorporated herein by reference.

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the Background of the Invention with the collective system of Snowden, Intel, and Schoenberg. The motivation would be to allow efficient authentication systems to businesses such as pharmacies and insurance companies, (Intel, p. 3, col. 3, ¶ 1).

14. **Claims 9, 10, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snowden et al., (U.S. Pub. 2002/0026332) in view of Intel Internet Authentication Services, Privacy and Security for Health Care Transactions Over the Internet, copyright©2000 Intel Corporation and further in view of Wong et al., (6,260,021), and further in view of Schoenberg, (U.S. 6,463,417).**

15. As per claim 9, the collective system of Snowden, Intel, and Schoenberg fails to disclose a method further including placing, by an interface, the request in a wrapper for acceptance by a next segment in the network pathway towards the remote site.

However, such a method step is well known in the art as evidenced by Wong.

Wong discloses a method further including placing the request in a wrapper for acceptance by a next segment in the network pathway towards the remote site, (Wong, Fig. 1; col. 11, line 65-col. 12, line 5).

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the collective system of Snowden, Intel, and Schoenberg with Wong. The motivation would be to provide communication between network sites that lack common communication protocols, (Wong, col. 11, line 65-col. 12, line 5).

The statement of obviousness and motivation to combine Snowden and Intel, and to then add Schoenberg is as discussed in the rejection of claim 1 and incorporated herein by reference.

16. As per claim 10, the collective system of Snowden, Intel, and Schoenberg fails to disclose a method further including unwrapping, by the interface, the health information received from across the external network. However, such a method step is inherent in the art disclosed by Wong.

Wong discloses a method further including placing the request in a wrapper for acceptance by a next segment in the network pathway towards the remote site, (Wong,

Fig. 1; col. 11, line 65-col. 12, line 5). It would be inherent for the remote site to perform an unwrapping function on the received information. Unwrapping is necessary for the wrapped information to be effectively utilized by the remote site computer.

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Intel and Wong. The motivation would be to provide communication between network sites that lack common communication protocols, (Wong, col. 11, line 65-col. 12, line 5).

The statement of obviousness and motivation to combine Snowden and Intel, and to then add Schoenberg, is as discussed in the rejection of claim 1 and incorporated herein by reference.

17. As per claim 14, the collective system of Snowden, Intel, and Schoenberg fails to disclose an information access server further including a health information identification unit to determine what type of information is received. However, such an information access server is well-known in the art as evidenced by Wong, (Wong, col. 2, line 65-col. 3, line 3; col. 3, line 60 - col. 5, line 20; col. 11, lines 17-28) (a health information identification unit is considered to be equivalent to a system comprising an interface engine and image object coordinator since it performs an identical function in substantially the same way and produces substantially the same results).

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Intel and Wong. The motivation would be to provide communication between

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network sites that lack common communication protocols, (Wong, col. 11, line 65-col. 12, line 5).

The statement of obviousness and motivation to combine Snowden and Intel, and then add Schoenberg, is as discussed in the rejection of claim 1 and incorporated herein by reference.

18. As per claim 15, Intel fails to disclose an information access server further including an application unit to determine an appropriate software application program for the health information to be entered into. However, such an information access server is well-known in the art as evidenced by Wong, (Wong, col. 2, line 65-col. 3, line 3; col. 3, line 60 - col. 5, line 20; col. 11, lines 17-28) (an application unit is considered to be equivalent to a system comprising an interface engine and image object coordinator since it performs an identical function in substantially the same way and produces substantially the same results).

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Intel and Wong. The motivation would be to provide communication between network sites that lack common communication protocols, (Wong, col. 11, line 65-col. 12, line 5).

The statement of obviousness and motivation to combine Snowden and Intel, thus replacing authorization with consent, is as discussed in the rejection of claim 1 and incorporated herein by reference.

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19. **Claims 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snowden et al., (U.S. Pub. 2002/0026332) in view of Intel Internet Authentication Services, Privacy and Security for Health Care Transactions Over the Internet, copyright©2000 Intel Corporation, and further in view of Killcommons et al., (U.S. 6,424,996), and further in view of Schoenberg, (U.S. 6,463,417).**

20. As per claim 16, Killcommons discloses a computer accessible medium having stored therein a plurality of sequences of executable instructions, which, when executed by a processor, cause the system to:

- (a) process a request for the health information, (Killcommons, col. 4, line 54-col. 5, line 22);
- (b) permit the health information to be immediately acquired, (Killcommons, col. 2, lines 45-50; col. 4, line 54-col. 5, line 22).

Killcommons fails to disclose a computer accessible medium having stored therein a plurality of sequences of executable instructions, which, when executed by a processor, cause the system to receive health information from across an internal network, the request being generated from a portable healthcare device on the internal network, immediately determine, by an access server on the internal network, if an corresponding consent is stored; and if the corresponding consent is stored, permit the health information to be immediately acquired by sending the request across an

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external network to a remote site, receive the health information from the remote site, and forward the health information back across the internal network. However, such software is well-known in the art as evidenced by Intel, (Intel, p. 4, Fig. 1, col. 1, ¶ 1- 3; p. 6, col. 2, ¶ 3; p. 5, col. 2, ¶ 2 and 3)(see also rejection of claim 1).

The collective system of Snowden, Killcommons and Intel fails to explicitly disclose a method step wherein the consent satisfies the requirements for release of the health information, the consent is for a requestor of the health information to access the health information, and the consent is provided by an owner of the health information. However, such a method step is well-known in the art as evidenced by Schoenberg, (Schoenberg, col. 3, lines 20-52; col. 4, lines 57-63; col. 5, lines 20-40)(disclosing stored consent in the form of patient-supplied security access codes for the purpose of consenting to access and allowing access to personal health records by an authorized requester. If the patient-supplied code entered by the requestor matches the stored code, then the requirements for release of the health information are satisfied).

The statement of obviousness and motivation to combine Snowden and Intel, and to add Schoenberg, is as discussed in the rejection of claim 1 and incorporated herein by reference.

It would be obvious to one of ordinary skill in the art to combine Killcommons with the collective system of Snowden, Schoenberg and Intel. The motivation would be to assemble and communicate multimedia information from a variety of modalities to remote users, (Killcommons, Abstract).



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21. As per claim 17, Intel further discloses the forwarding of the health information is to the portable healthcare device, (Intel, p. 6, col. 2, ¶ 3).

The statement of obviousness and motivation to combine Killcommons, Snowden, Schoenberg, and Intel, is as discussed in the rejection of claim 16 and incorporated herein by reference.

22. As per claim 18, Intel further discloses that if no corresponding authentication is stored, further including additional sequences of executable instructions, which, when executed by the processor further cause the system to send a notice to the portable healthcare device, (Intel, p. 5, col 2, ¶ 3) (sending a notice is considered to be equivalent to granting immediate access since it performs an identical function in substantially the same way and produces substantially the same results).

The statement of obviousness and motivation to combine Killcommons, Snowden, Schoenberg, and Intel, is as discussed in the rejection of claim 16 and incorporated herein by reference.

23. As per claim 19, Intel further discloses that if no corresponding authentication is stored, further including additional sequences of executable instructions, which, when executed by the processor further cause the system to receive the appropriate authentication from the portable healthcare device and to permit the health information to be immediately acquired by sending the request across an external network to a remote site, receiving the health information from the remote site, and forwarding the

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health information back across the internal network, (Intel, p. 2, col. 3, ¶ 2-p. 3, col. 1, ¶ 3; p. 5, col 2, ¶ 2,- end of page).

The statement of obviousness and motivation to combine Killcommons, Snowden, Schoenberg, and Intel, is as discussed in the rejection of claim 16 and incorporated herein by reference.

24. As per claim 20, Intel further discloses that the corresponding authentication is fingerprint data, retinal data, voice data, or a digital signature data and further including comparing the corresponding authentication with stored authentication data, (Intel, p. 6, col. 2, ¶ 3).

The statement of obviousness and motivation to combine Killcommons, Snowden, Schoenberg, and Intel, is as discussed in the rejection of claim 16 and incorporated herein by reference.

25. As per claim 21, Intel further discloses further including additional sequences of executable instructions, which, when executed by the processor further cause the system to determine if authentication is required and if the authentication is not required, to permit the health information to be immediately acquired by sending the request across an external network to a remote site, receiving the health information from the remote site, and forwarding the health information back across the internal network, (Intel, p. 5, col. 2, ¶ 2 and col. 3, ¶ 2 ) (Determining if consent is required is considered to be equivalent determining whether or not a user computer is enabled for

streamlined access since it performs an identical function in substantially the same way and produces substantially the same results).

The statement of obviousness and motivation to combine Killcommons, Snowden, Schoenberg, and Intel, is as discussed in the rejection of claim 16 and incorporated herein by reference.

26. As per claim 22, Intel further discloses further including additional sequences of executable instructions, which, when executed by the processor further cause the system determine the suitability of a corresponding authentication, (Intel, p. 3, col. 1, ¶ 2 and 3) (Determining the suitability of a corresponding consent is considered to be equivalent to confirmed and relative authentication since it performs an identical function in substantially the same way and produces substantially the same results).

The statement of obviousness and motivation to combine Killcommons, Snowden, Schoenberg, and Intel, is as discussed in the rejection of claim 16 and incorporated herein by reference.

27. **Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snowden et al., (U.S. Pub. 2002/0026332) in view of Intel Internet Authentication Services, Privacy and Security for Health Care Transactions Over the Internet, copyright©2000 Intel Corporation, and further in view of Killcommons et al., (U.S. 6,424,996) and further in view of Wong et al., (6,260,021), and further in view of Schoenberg, (U.S. 6,463,417).**

28. As per claim 23, The collective system of Snowden, Schoenberg, Killcommons and Intel fails to disclose a computer accessible medium, further including additional sequences of executable instructions, which, when executed by the processor further cause the system to placing the request in a wrapper for acceptance by a next segment in the network pathway towards the remote site. However, such executable instructions are well known in the art as evidenced by Wong. Wong discloses executable instructions further including placing the request in a wrapper for acceptance by a next segment in the network pathway towards the remote site, (Wong, Fig. 1; col. 11, line 65-col. 12, line 5).

The motivation to create the collective system of Snowden, Schoenberg, Intel and Killcommons is as provided in the rejection of claim 16 and incorporated herein by reference.

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the collective system of Snowden, Schoenberg, Killcommons and Intel with Wong. The motivation would be to provide communication between network sites that lack common communication protocols, (Wong, col. 11, line 65-col. 12, line 5).

29. As per claim 24, the collective system of Killcommons and Intel fails to disclose a computer accessible medium, further including additional sequences of executable instructions, which, when executed by the processor further cause the system to interrupt a processor to unwrap health information received from across and external

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network. However, such executable instructions are inherent in the art disclosed by Wong.

Wong discloses executable instructions further including placing the request in a wrapper for acceptance by a next segment in the network pathway towards the remote site, (Wong, Fig. 1; col. 11, line 65-col. 12, line 5). It would be inherent for the remote site to perform an unwrapping function on the received information. Unwrapping is necessary for the wrapped information to be effectively utilized by the remote site computer.

The motivation to create the collective system of Snowden, Schoenberg, Intel and Killcommons is as provided in the rejection of claim 16 and incorporated herein by reference.

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the collective system of Snowden, Schoenberg, Intel and Killcommons and Wong. The motivation would be to provide communication between network sites that lack common communication protocols, (Wong, col. 11, line 65-col. 12, line 5).

### ***Response to Arguments***

Applicant's arguments filed 3/2/2007 have been fully considered but they are not persuasive for the following reasons:

As per applicant's argument that the references fail to disclose "immediately determining, by the access server, if a corresponding authentication is stored in the

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access server”, it is submitted that Intel does in fact disclose such a well-known limitation, (Intel, p. 4, col. 1, ¶ 1, 2; p. 5, col. 2, ¶ 2 and 3); and,

“whether the consent satisfies the requirements for release of the health information, wherein the consent is for a requestor of the health information to access the health information, and the consent is provided by an owner of the health information”. However, such a method step is well-known in the art as evidenced by Schoenberg, (Schoenberg, col. 3, lines 20-52; col. 4, lines 57-63; col. 5, lines 20-40). Schoenberg discloses stored consent in the form of patient-supplied security access codes for the purpose of consenting to access and allowing access to personal health records by an authorized requester. If the patient-supplied code entered by the requestor matches the stored code, then the requirements for release of the health information are satisfied.

Furthermore, the claim limitation “wherein the consent is for a requestor of the health information to access the health information, and the consent is provided by an owner of the health information” is not given patentable weight because it is considered to be non-functional descriptive material. No patentable weight is given to printed matter absent a new and unobvious functional relationship between the printed matter and the substrate. See *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994); *In re Ngai*, 367 F.3d 1336, 70 USPQ2d 1862 (Fed. Cir. 2004).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell S. Glass whose telephone number is 571-272-3132. The examiner can normally be reached on M-F 8-5.

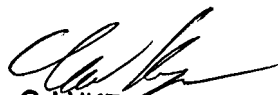
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RSG  
5/16/2007

R56

  
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